

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

IN RE:

GENE ALLEN WALDA
NANCY LYNNE WALDA
Debtors,

CASE NO. **10-31254-hcd**
CHAPTER 13
JUDGE HARRY C DEES, JR

**RESPONSE BY DISCOVER BANK TO OBJECTION TO
PROOF OF CLAIM BY DEBTORS**

Discover Bank, through counsel Lawrence G Reinhold of Weinstein & Riley,
P.S. responds to the objection to the Proof of Claim as follows:

1. The Debtors have objected to the Discover Bank Proof of Claim on the grounds that no documentation was attached to the Proof of Claim for account xxxx-xxxx-xxxx-6963.
2. Discover Bank filed the Proof of Claim in the amount of \$ 13,693.56 for account xxxx-xxxx-xxxx-6963. True and correct copies of the Statements of Account for account xxxx-xxxx-xxxx-6963 are attached hereto and made a part of this response showing a balance due of \$ 13,693.56 due as of the entry of the Order for Relief.
3. The Debtors scheduled an undisputed claim on behalf of Discover Card in the amount of \$ 12,718.00 for account number xxxx-xxxx-xxxx-6963.
4. A proof of claim is evidence of the claim even when put into issue by an objection. *Whitney v Dresser*, 200 U.S. 532, (1906).
5. The Debtors have not raised any objection to the Proof of Claim under 11

U.S.C. § 502(b).

6. Pursuant to 11 U.S.C. § 502(b), upon objection to a claim, the Court shall determine the amount of the claim in lawful currency except for the reasons stated in paragraph (1) through (9).

7. The Debtors have not produced any evidentiary support that the amount claimed in the Proofs of Claim is not actually due and owing and are estopped from denying that at least \$ 12,718.00 is due and owing.

WHEREFORE, Discover Bank asks this Court to Deny the Objection to the Proof of Claim and to allow the claim as filed.

WEINSTEIN & RILEY, P.S.

Dated: May 18, 2010

/s/ Lawrence G. Reinhold

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